

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

TONY G. ROWE,

Plaintiff,

v.

CIVIL ACTION NO. 3:18-0333

NANCY A. BERRYHILL,
Acting Commissioner of the
Social Security Administration,

Defendant.

MEMORANDUM OPINION AND ORDER

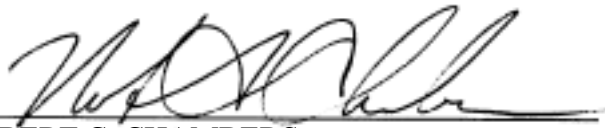
This action was referred to the Honorable Omar J. Aboulhosn, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendations for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that the Court grant Claimant's request for judgment on the pleadings (ECF No. 14), deny Defendant's request to affirm the decision of the Acting Commissioner (ECF No. 19); reverse the final decision of the Acting Commissioner; and remand this action back to the Acting Commissioner pursuant to the fourth sentence of 42 U.S.C. § 405(g) for further administrative proceedings in order for the Administrative Law Judge to properly consider and evaluate Dr. Bansal's medical source statement as contained in his responses to the April 2011 lumbar residual functional capacity ("RFC") questionnaire. Neither party has filed objections to the Magistrate Judge's findings and recommendations.

Accordingly, the Court accepts and incorporates herein the findings and recommendations

of the Magistrate Judge. Consistent with the findings and recommendations, the Court **GRANTS** Claimant's request for judgment on the pleadings (ECF No. 14), **DENIES** Defendant's request to affirm the decision of the Acting Commissioner (ECF No. 19); **REVERSES** the final decision of the Acting Commissioner; and **REMANDS** this action back to the Acting Commissioner pursuant to the fourth sentence of 42 U.S.C. § 405(g) for further administrative proceedings in order for the Administrative Law Judge to properly consider and evaluate Dr. Bansal's medical source statement as contained in his responses to the April 2011 lumbar residual functional capacity ("RFC") questionnaire.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented parties.

ENTER: October 4, 2018



ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE